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**CHADBOURNE
& PARKE LLP**

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To:**Name/Company****Facsimile No.****Verification Phone No.**

Javaid Nasri/US PTO

(571)

(571) 272-2095

Examiner Javaid Nasri/US PTO

(571) 273-8300

(571) 272-2095

From: Richard Martinelli**Date:** August 12, 2005**Phone:** (212) 408-1173**Room No.:****No. of pages:** 31 (including this page)**Message:****RE:** Application Serial No. 09/720,235

Examiner Nasri,

I enclose herewith copies of the filings in the above referenced case from the Final Rejection in 2003 through the improper PTO abandonment and the application revival to today. I look forward to discussing the issues with you.

Thank you,

Rich Martinelli

This facsimile is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering the facsimile to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

Please call us immediately if the facsimile you receive is incomplete or illegible. Our facsimile operator can be reached at (212) 408-1182.

CLIENT NUMBER: 14998**MATTER NUMBER:** 255**COVER DOCS ID:** NY2 - 429495.01



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,235	12/20/2000	Akito Nishimura	14998-255	1247

7590

11/21/2003

Ira J Schaefer
Chadbourne & Parke
30 Rockefeller Plaza
New York, NY 10112

EXAMINER

NASRI, JAVAD H

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

I called Examiner
+ told him that
a response was filed
on 11/20/03.
- Dan.

AUG 12 2005

KE


Notice of Abandonment	Application No.	Applicant(s)	
	09/720,235	NISHIMURA ET AL.	
	Examiner	Art Unit	
	Javaid Nasri	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 19 May 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A telephone call was made to attorney Danial Basov on 11/18/2003, but no response received.


 Javaid Nasri
 Primary Examiner
 Art Unit: 2839

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Patent Serial No. 09/720,235 File No. 14998-255 By _____

In the Matter of Application of _____

The following due _____ in the U.S. Patent and Trademark Office, was received thereby

☐ Preliminary Amendment

☒ Request for Extension of Time 3 months

☐ Application for Patent, including _____

☐ Pages Specification _____ Claims _____

☐ Declaration ☐ Oath ☐ Power

☐ Request for filing Continuation or Divisional

☐ Application _____ sheets, in duplicate

☐ File Wrapper Continuation Patent

☐ Application _____ sheets, in duplicate

☐ PCT Request _____ sheets, including _____

☐ Transmittal Letter to the USRO

☐ Assignment

☐ Recordation Cover Sheet

☐ Check No. _____

☐ Check Nos. _____

☐ Drawing _____ Sheet(s) _____

☐ Information Disclosure Statement

☐ List of References Cited

☐ Issue Fee Transmittal

☐ Status Request

☒ Notice of Appeal

☐ Small Entity Declaration

☒ Amendment in Response to Final

☐ Response to 5-19-2003

☒ Amendment After Final Action by Thom Smith & Sheo

☐ Cont. First Class Mo.

☐ Continuation Response

11-18-2003

Patent Serial No. 09/720,235 File No. 14998-255 By _____

In the Matter of Application of _____

The following due _____ in the U.S. Patent and Trademark Office, was received thereby

☐ Preliminary Amendment

☒ Request for Extension of Time 3 months

☐ Application for Patent, including _____

☐ Pages Specification _____ Claims _____

☐ Declaration ☐ Oath ☐ Power

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☐ Application _____ sheets, in duplicate

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☐ Assignment

☐ Recordation Cover Sheet

☐ Check No. _____

☐ Check Nos. _____

☐ Drawing _____ Sheet(s) _____

☐ Information Disclosure Statement

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☒ Amendment After Final Action by Thom Smith & Sheo

☐ Cont. First Class Mo.

☐ Continuation Response

11-18-2003

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)			Docket No. 14998-255
Applicant(s): Akito Nishimura, Toru Arikawa, Yasuhiro Tamaki			
Serial No. 09/720,235	Filing Date December 20, 2000	Examiner Javaid H. Nasri	Group Art Unit 2839
Invention: "OPTICAL FERRULE AND MOLDING METHOD THEREFOR, AND OPTICAL CONNECTOR USING THIS OPTICAL FERRULE"			
<p style="text-align: center;">Transmittal Sheet/Amendment and Response Petition for three month extension (\$950.00) /Notice of Appeal (\$330.00) Certificate of First Class Mail/Confirmatory postcard</p> <p>I hereby certify that this _____ <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service as first class mail in an envelope addressed to:</p> <p>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>November 18, 2003</u> <i>(Date)</i></p> <p style="text-align: center;"><u>Daniel Basov</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <p style="text-align: center;"><u>Daniel Basov</u> <i>(Signature of Person Mailing Correspondence)</i></p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p> <div style="border: 1px solid black; height: 200px; width: 100%;"></div>			

TRANSMITTAL LETTER (General - Patent Pending)			Docket No. 14998-255
In Re Application Of: Akito Nishimura, Toru Arikawa, Yasuhiro Tamaki			
Serial No. 09/720,235	Filing Date December 20, 2000	Examiner Javald H. Nasri	Group Art Unit 2839
Title: " OPTICAL FERRULE AND MOLDING METHOD THEREFOR, AND OPTICAL CONNECTOR USING THIS OPTICAL FERRULE:			
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>			
Transmitted herewith is: Transmittal Sheet/Amendment and Response Petition for three month extension (\$950.00) /Notice of Appeal (\$330.00) Certificate of First Class Mail/Confirmatory postcard			
in the above identified application.			
<input type="checkbox"/> No additional fee is required.			
<input type="checkbox"/> A check in the amount of _____ is attached.			
<input checked="" type="checkbox"/> The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 03-1240 as described below. A duplicate copy of this sheet is enclosed.			
<input checked="" type="checkbox"/> Charge the amount of \$1,280.00			
<input checked="" type="checkbox"/> Credit any overpayment.			
<input checked="" type="checkbox"/> Charge any additional fee required.			
<u>Daniel Basov</u> <small>Signature</small>		Dated: November 18, 2003	
Daniel Basov, Reg. No. 42,303 CHADBOURNE & PARKE LLP 30 Rockefeller Plaza New York, New York 10112 1-212-408-2324			
cc:		<div>I certify that this document and fee is being deposited November 18, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</div> <div style="text-align: center;"><u>Daniel Basov</u> <small>Signature of Person Mailing Correspondence</small></div> <div style="text-align: center;">Daniel Basov <small>Typed or Printed Name of Person Mailing Correspondence</small></div>	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,235	12/20/2000	Akito Nishimura	14998-255	1247

7590

05/19/2003

Ira J Schacfer
 Chadbourne & Parke
 30 Rockefeller Plaza
 New York, NY 10112

EXAMINER

NASRI, JAVAID H

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 05/19/2003

2 mon = 7-19-2003

3 mon = 8-19-2003

6 mon = 11-19-2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Appeal

6 mon = 11-19-2003

DOCKETED

MAY 27 2005

PTO-90C (Rev. 07-01)

Office Action Summary

Application No.

09/720,235

Applicant(s)

NISHIMURA ET AL.

Examiner

Javaid Nasri

Art Unit

2839

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 09/720,235

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DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunin et al. ('803, cited in previous office action).

Bunin et al discloses an optical ferrule (50), a concave portion (58) for confirming confirmation factors such as sorts of an optical fiber (22) held in the ferrule body is formed, the concave portion is formed at a portion other than a flange portion of the ferrule body, an optical connector using the optical ferrule.

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Allowable Subject Matter

3. Claims 1-10 are allowed.
4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

The reason for allowance of the claims is the inclusion of the limitation,

- a) for claim 1, a gate is formed in the concave portion for resin molding and the depth of the concave portion is deeper than the height of a flash which is formed in the concave portion as a result of the resin molding, in combination with other limitations in the claim which is not found in the prior art reference of record.
- b) for claim 12, the concave portion is formed in a flange portion of the ferrule body and a gate for resin molding is disposed in the concave portion, in combination with other limitations in the claim which is not found in the prior art reference of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Response to Arguments

6. Applicant's arguments filed on 4/14/2003 have been fully considered but they are not persuasive.

The applicant did not argued the rejection of claim 11.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 703 308 5876. The examiner can normally be reached on Monday to Friday.

Application/Control Number: 09/720,235
Art Unit: 2839

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 703 308 2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.


Javaid Nasri
Primary Examiner
Art Unit 2839

IN

jhn
May 7, 2003